

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TIMOTHY L. MOFFETT,

Plaintiff,

vs.

BURLINGTON NORTHERN
SANTA FE RAILWAY,

Defendant.

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7:05CV5014

ORDER

This matter comes before the court on the plaintiff's Motion to Continue FRCP 26(a)(2) Expert Disclosure Deadlines (Filing No. 20). The plaintiff attached exhibits in support of his motion. The court held a telephone conference with counsel on July 26, 2006. Over the defendant's objection, the court finds good cause exists for the requested extension of time. **See** Fed. R. Civ. P. 16(b). Upon consideration,

IT IS ORDERED:

1. The plaintiff's Motion to Continue FRCP 26(a)(2) Expert Disclosure Deadlines (Filing No. 20) is granted.

2. The plaintiff shall, as soon as practicable but **not later than October 2 , 2006**, serve the defendant with the statement required by Fed. R. Civ. P. 26(a)(2) regarding each expert witness it expects to call to testify at trial pursuant to the provisions of Rule 702, 703 or 705, Fed. Rules of Evidence. The defendant shall serve the plaintiff with its statement of the expert witnesses it expects to call to testify pursuant to Rule 702, 703 or 705, Fed. Rules of Evidence, pursuant to Fed. R. Civ. P. 26(a)(2) as soon thereafter as practicable, but **not later than December 1, 2006**. If necessary to refute the disclosed opinions of an expert witness of an opponent, a party may disclose additional expert witnesses **not later than January 4, 2007**, provided that the disclosing party then provides all of the information described in Fed. R. Civ. P. Rule 26(a)(2) and makes the expert witness available for deposition prior to the date set for completion of deposition.

DATED this 26th day of July, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge